

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

SHAWN DRUMGOLD,
Plaintiff

V.

TIMOTHY CALLAHAN, FRANCIS
M. ROACHE, PAUL MURPHY,
RICHARD WALSH and THE CITY
OF BOSTON,
Defendants

04-CV-11193-NG

**DEFENDANTS' JOINT MOTION TO EXTEND TIME
FOR DISCOVERY AND DISCLOSURE**

Now come the defendants in the above-captioned civil action and move this Honorable Court to extend time for discovery and disclosure as follows:

1. Discovery to be completed by February 28, 2007.
2. Plaintiff's expert disclosure to be completed on or before February 28, 2007.
3. Defendants' experts disclosure to be completed on or before March 15, 2007.
4. Expert depositions to be completed on or before March 30, 2007.
5. Defendants' Motion for Summary Judgment to be filed on or before May 15, 2007.
6. Plaintiff's responses due by June 15, 2007.

In support thereof, the Defendants state the following:

The parties have conducted over twenty depositions in this case. The parties still have a substantial amount of pending deposition to finish. The pending depositions and discovery matters consist of the following:

A. PLAINTIFF'S PENDING DISCOVERY:

1. Second day of Timothy Callahan;
2. Second day of Richard Walsh;
3. Second day of John Daly;
4. Second day of David Meier;
5. Reschedule deposition of Willis Saunders;
6. Reschedule deposition of Francis O'Meara (tentatively scheduled for December 14, 2006);
7. Reschedule deposition of Francis M. Roache;
8. Reschedule deposition of Lt. McNelly;
9. Deposition of Paul Connolly; and
10. Outstanding discovery request to the City of Boston concerning Bureau Investigative Services' informants records, Boston Police laboratory sheets and notes and journals of John.Daley.

B. DEFENDANTS' PENDING DISCOVERY:

1. Second day of Juanda Drumgold;
2. Second day of Shawn Drumgold;
3. Second day of Steven Rappaport;
4. Second day of Olisa Graham (tentatively scheduled for December 12, 2006);
5. Rescheduled deposition of Robert George (December 12, 2006);

6. Second day of Rachelle Drumgold (tentatively scheduled for December 12, 2006);
7. Deposition of Paul Durand;
8. Deposition of Madalyne Powell Hamilton;
9. Deposition of Rhonda Hamilton;
10. Deposition of Rosemary Scapicchio (subject to Local Rule 37.1 Conference);
11. Defendants have filed a Motion to Compel the depositions of Richard Lehr, Antonio Anthony, Edrina Graham Payne, Olisa Graham (continued deposition), Michelle Payne Short, Obie Graham. Tynetta Gray, Kathy Jamison, Vantrell McPherson (continued deposition), Eric Johnson, Terrance Taylor;
12. Plaintiff sent a notice of deposition of Philip Beauchesne. Plaintiff has withdrawn that notice. Defendant may attempt to depose Mr. Beauchesne.
13. Defendants are also seeking supplemental answers to interrogatories for Mr. Drumgold and supplemental production of documents from the Plaintiff.

As can be seen from the above, the parties have vigorously pursued discovery in this matter. Despite the best efforts of all parties, the parties have not been able to complete all of the pending discovery matters by the discovery deadline of December 6, 2006.

Defense counsel have conferred between themselves and plaintiff's counsel and there exists a limited number of available days in the coming months of December and

January to conduct discovery. Plaintiff's counsel objects to extending the time for discovery beyond January 31, 2007. As indicated above, the sheer number of pending depositions to be attended to by both sides in this matter demonstrates that additional time is needed.

WHEREFORE, the defendants respectfully request this Honorable Court extend the time for discovery as set out above

Respectfully submitted,

**FRANCIS M. ROACHE and
THE CITY OF BOSTON,**
By Their Attorneys,

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Dated: December 5, 2006